

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEVI NAMPIAPARAMPIL,

Plaintiff,

-against-

THE NEW YORK CITY CAMPAIGN FINANCE BOARD,
et al.,

Defendants.
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**DECLARATION OF DAVID
S. THAYER IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS**

No. 23 Civ. 6391 (ER)

DAVID S. THAYER, pursuant to 28 U.S.C. § 1746, hereby declares the following:

1. I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City New York, the Honorable Sylvia O. Hinds-Radix, attorney for Defendants New York City Campaign Finance Board, David Duhalde, Hannah Egerton, Amy Loprest, Bethany Perskie, Frederick Schaffer, Matthew Sollars, and Jaclyn Williams (collectively, the “Board” or “Defendants”) in the above-captioned action.

2. I make this Declaration based upon information and belief, the source of my information and belief being the publicly available filings in the Supreme Court of the State of New York, County of New York (“New York County Supreme Court”), as well as the documents supplied to me by the New York City Campaign Finance Board.

3. I submit this Declaration in support of the Defendants’ Motion to Dismiss the Complaint, dated November 10, 2023, in the above-captioned action.

4. In advance of the instant action, Plaintiff commenced at least two proceedings in New York County Supreme Court against the Board.

A. Index No. 101118/2021 in New York County Supreme Court.

5. The first was commenced by order to show cause and complaint under Index No. 101118/2021 and was assigned to the Honorable Shlomo J. Hagler in New York County Supreme Court.

6. A true and accurate copy of the initiating papers in this proceeding are attached hereto as **Exhibit A**. I accessed and downloaded these papers from the Supreme Court Records On-Line Library (“SCROLL”) available at <http://iapps.courts.state.ny.us/iscroll/index.jsp>.

7. In fact, a listing of available, scanned-in documents in this proceeding are available through SCROLL at <https://iapps.courts.state.ny.us/iscroll/Documents.jsp?IndexNo=101118-2021>.

8. Shortly after filing her Complaint, Plaintiff sought a temporary restraining order by proposed order to show cause, which was endorsed by the Court on October 4, 2021. A true and accurate copy of this order to show cause is attached hereto as **Exhibit B**. I accessed and downloaded these papers from SCROLL

9. The Board cross-moved to dismiss this action on or about October 20, 2021. A true and accurate copy of these moving papers is attached hereto as **Exhibit C**. I accessed and downloaded these papers from SCROLL.

10. After a hearing, Justice Hagler denied Plaintiff’s proposed order to show cause on or about October 22, 2021. A true and accurate copy of Justice Hagler’s Decision + Order on Motion is attached hereto as **Exhibit D**. I accessed and downloaded this decision from SCROLL.

11. Justice Hagler’s October 22, 2021 Decision + Order indicates that Plaintiff’s order to show cause for the reasons stated on the record at a hearing, at which Plaintiff

was represented by counsel. A true and accurate copy of the certified transcript of that hearing is attached hereto as **Exhibit E**. I received a copy of this transcript from the Board, who was represented by its Office of General Counsel in this proceeding. A copy of this transcript is also available through the electronic docket in the action under Index No. 159019/2022 at [NYSCEF Doc. No. 127](#).

12. Importantly, at the hearing, Justice Hagler converted the proceeding into an Article 78 proceeding before denying Plaintiff's order to show cause. (Ex. E, at 25:6-23.)

13. I also received from the Board a copy of a proposed Order to Show Cause, filed on May 8, 2023, but dated August 8, 2022, that Plaintiff filed in the same proceeding under Index No. 101118/2021. Justice Hagler declined to endorse this proposed order on August 9, 2022. A true and accurate copy of this Order to Show Cause is attached hereto as **Exhibit F**.

B. Index No. 159019/2022 in New York County Supreme Court.

14. On or about October 20, 2022, Plaintiff commenced a plenary action in New York County Supreme Court under Index No. 159019/2022. This action was assigned to the Honorable Dakota D. Ramseur. A true and accurate copy of the summons and complaint in that action is attached hereto as **Exhibit G**.

15. The documents I have appended hereto as exhibits with respect to the action under Index No. 159019/2022 I have downloaded from that action's electronic docket on the New York State Courts Electronic Filing System ("NYSCEF").

16. In fact, also attached to this Declaration, as **Exhibit H**, is a combined .pdf print-out, created by the undersigned, of the two webpages comprising the 'document list' on the New York State Court Electronic Filing Systems docket (akin to the ECF docket) in Index No. 159019/2022. I provide this to the Court for ease of referring to the underlying State court filings. However, the complete electronic docket is independently and publicly accessible to the Court at

[https://iapps.courts.state.ny.us/nyscef/DocumentList?docketId=Q2uIjWZiOvuYoiYHca43sQ==
&display=all&courtType=New%20York%20County%20Supreme%20Court&resultsPageNum=](https://iapps.courts.state.ny.us/nyscef/DocumentList?docketId=Q2uIjWZiOvuYoiYHca43sQ==&display=all&courtType=New%20York%20County%20Supreme%20Court&resultsPageNum=1)

[1](#)—and I respectfully submit that it is judicially noticeable.

17. A true and accurate copy of the Board's initial papers (notice of motion, affirmation in support, and memorandum of law) with respect to its motion to dismiss is attached hereto as **Exhibit I**. I have excluded the accompanying exhibits for the sake of brevity. I am happy to provide any exhibits at the Court's request.

18. A true and accurate copy of Plaintiff's cross-moving and opposition papers (notice of cross motion and affidavits in opposition to the Board's motion and in support of Plaintiff's cross motion) in connection with the Board's motion to dismiss and Plaintiff's motion for leave to file a late notice of claim is attached hereto as **Exhibit J**. I have excluded the accompanying exhibits for the sake of brevity. I am happy to provide any exhibits at the Court's request.

19. A true and accurate copy of the Board's papers on reply and in opposition (memorandum of law and affirmation in further support of its motion to dismiss and in opposition to Plaintiff's motion for leave to file a late notice of claim) is attached hereto as **Exhibit K**. I have excluded the accompanying exhibits for the sake of brevity. I am happy to provide any exhibits at the Court's request.

20. A true and accurate copy of Plaintiff's papers on reply (affidavit in further support of Plaintiff's cross motion for leave to file a late notice of claim) is attached hereto as **Exhibit L**. I have excluded the accompanying exhibits for the sake of brevity. I am happy to provide any exhibits at the Court's request.

21. Lastly, a true and accurate copy of the Court's Decision + Order on Motion, dated April 14, 2023, is attached hereto as **Exhibit M**.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 10, 2023
New York, New York

/s/ David S. Thayer

DAVID S. THAYER